

The article was alleged to be adulterated in that potatoes below U. S. Grade No. 1 had been substituted wholly or in part for Grade No. 1 potatoes, which it purported to be.

It was alleged to be misbranded in that the statement "Grade Number One", borne on the label, was false and misleading and tended to deceive and mislead the purchaser.

On February 18, 1937, Piowaty Bros., Inc., claimant, having admitted the allegation of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond subject to relabeling.

W. R. GREGG, *Acting Secretary of Agriculture.*

**27103. Adulteration of whitefish and tullibees. U. S. v. 161 Boxes of Whitefish and 73 Boxes of Tullibees. Default decree of condemnation and destruction. (F. & D. no. 39099. Sample nos. 8582-C, 8584-C.)**

These products were worm-infested.

On February 4, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 161 boxes of whitefish and 73 boxes of tullibees at New York, N. Y., alleging that they had been shipped into the State of New York on or about January 5, 1937, by Keystone Fisheries, Ltd., from Winnipeg, Manitoba, Canada, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance and in that it consisted of portions of animals unfit for food.

On February 20, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**27104. Adulteration of tullibees. U. S. v. 20 Boxes of Tullibees. Default decree of condemnation and destruction. (F. & D. no. 39100. Sample no. 8586-C.)**

This product was worm-infested.

On February 10, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 boxes of tullibees at New York, N. Y., alleging that the article had been shipped into the State of New York on or about February 8, 1937, by A. N. W. Kyle from Montreal, Canada, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Product of Canada."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance and in that it consisted of portions of animals unfit for food.

On February 23, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**27105. Adulteration and misbranding of butter. U. S. v. 178 Tubs of Butter. Decree of condemnation. Product released under bond subject to reworking. (F. & D. no. 39102. Sample no. 12290-C.)**

This case involved a shipment of butter that was deficient in milk fat.

On February 8, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 178 tubs of butter at Boston, Mass., consigned on or about February 1, 1937, alleging that it had been shipped in interstate commerce by the Isaly Dairy Co., from Marion, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as provided by the act of March 4, 1923.

It was alleged to be misbranded in that it was an imitation of and was offered for sale under the distinctive name of another article, butter.

On February 12, 1937, the Isaly Dairy Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond subject to reworking so that it contain at least 80 percent of milk fat.

W. R. GREGG, *Acting Secretary of Agriculture.*